

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 10-11381-RGS

BENJAMIN SILVA,
PLAINTIFF,

v.

HAROLD W. CLARKE, ET AL.,
DEFENDANTS.

MEMORANDUM AND ORDER

October 14, 2010

STEARNS, D.J.

On August 11, 2010, plaintiff Benjamin Silva ("Silva") filed this civil rights action against various prison officials. On September 2, 2010, this court issued a Memorandum and Order (Docket No. 3) directing the issuance of summonses as to all defendants except for Commissioner Clarke and Jane Doe. The Order also directed Silva to demonstrate good cause why the claims against Commissioner Clarke and Jane Doe should not be dismissed for the reasons stated therein.

In response, on October 12, 2010, Silva filed a show cause response (Docket No. 5), in which he outlines his factual assertions of the direct liability of Commissioner Harold Clarke in denying his requests to possess religious accouterments. Silva makes no reference to claims against Jane Doe, the Wiccan priestess volunteer.

In light of the show cause response, this court DISMISSES all claims against Jane Doe for the reasons stated in the prior Memorandum and Order (Docket No. 3) and for the failure of Silva to demonstrate good cause why his claims should be permitted to proceed.¹

This court will, however, permit the claims against Commissioner Clarke to proceed,

¹This dismissal is not a separate and final judgment.

and directs the Clerk to issue a summons as to this Defendant, along with a USM 285 form in the event Silva elects to have service effected by the United States Marshal Service.²

SO ORDERED.

/s/ Richard G. Stearns
UNITED STATES DISTRICT JUDGE

²If directed by Silva to do so, the United States Marshal Service shall advance the cost of service.